

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAWRENCE WILLIAMS,

Plaintiff,

No. CIV S-03-2518 FCD DAD P

vs.

COUNTY OF SACRAMENTO
SHERIFF'S DEPARTMENT, et al.,

Defendants.

ORDER

Plaintiff has filed a document entitled "Notice Of Motion And Motion For Discovery Pursuant To Evidence Code Section 1043 (Pitchess)." Plaintiff has not served defendants with his discovery requests, but seeks first to obtain a court order which would allow plaintiff to proceed with his discovery. Plaintiff seeks the production of documents concerning the internal investigation of defendant Zwolinski on plaintiff's excessive force complaint, as well as, information about other complaints that may have been made by former detainees about defendant Zwolinski. Plaintiff's motion is premature. Plaintiff should proceed with his discovery and seek court intervention if he is dissatisfied with the response to his discovery requests. Plaintiff is cautioned that a motion to compel discovery must be based on the Federal Rules of Civil Procedure, not on state evidentiary rules and procedures.

1 Plaintiff also requests leave to serve an additional set of interrogatories on each
2 defendant because he is unable to depose the defendants. The court will deny the motion without
3 prejudice. Plaintiff may renew his motion and must include a copy of the proposed
4 interrogatories.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. Plaintiff's March 30, 2006 notice of motion and motion for discovery is
7 denied; and

8 2. Plaintiff's March 30, 2006 request for leave to serve additional interrogatories
9 on the defendants is denied without prejudice.

10 DATED: April 6, 2006.

11
12 
13 DALE A. DROZD
14 UNITED STATES MAGISTRATE JUDGE

13 DAD:4
14 will2518.disc2